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MEMO ENDORSED

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Hon. Barbara C. Moses
United States Magistrate Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Castro v. Colvin, Acting Commissioner of Social Security¹
Docket No: 1:24-cv-06900-BCM

Hon. Judge Moses:

This letter respectfully requests an extension of time of forty-four (44) days for Plaintiff to file Plaintiff's Brief in this matter, to January 31, 2025. Plaintiff's Brief is currently due on December 18, 2024; however, Plaintiff cannot complete the Brief on time for the reasons detailed below.

Counsel requests this extension due to multiple, simultaneous filing deadlines. Counsel requires additional time to prepare Plaintiff's brief properly and thoroughly. For instance, between December 6, and January 29, 2025, staff in Counsel's office have one hundred and sixteen (116) Plaintiff briefs due. This figure does not include briefings which will be due after the filing of Administrative Records throughout this timeframe, Oral Arguments, appeals to Circuit Courts, Reply Briefs, settlement negotiations, and the various other tasks which arise throughout the course of litigation. These circumstances do not allow for Plaintiff's Counsel to properly prepare the brief by the current deadline. This request will not cause Defendant any undue hardship. This extension is needed to prepare the brief thoroughly and properly.

Plaintiff's counsel has contacted defense counsel who kindly consents to this request and has agreed to the below briefing schedule. This request will not cause Defendant any undue hardship. The parties have agreed on the briefing schedule below. This would be a first request for an extension of time in this matter.

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¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

If Plaintiff's request is granted, the new briefing schedule would be:

- **Plaintiff's Brief is due on or before January 31, 2025;**
- **Defendant's Brief is due on or before March 17, 2025; and**
- **Plaintiff's Reply Brief, if any, is due on or before March 31, 2025.**

Thank you for your consideration.

Respectfully submitted,

/s/ Howard D. Olinsky
Howard D. Olinsky, Esq.
Counsel for Plaintiff

CC [via ECF]: Nahid Sorooshyari, Esq., Attorney for Defendant

SO ORDERED.

Dated: December 10, 2024


U.S. Magistrate Judge